

EXHIBIT NO. 1

7
1-26-02

Docket Item # 9
SPECIAL USE PERMIT #2001-0114

Planning Commission Meeting
January 3, 2002

ISSUE: Consideration of a special use permit review for an automobile service station.

APPLICANT: Essam Danfora
By Duncan W. Blair, attorney

LOCATION: 2838 Duke Street

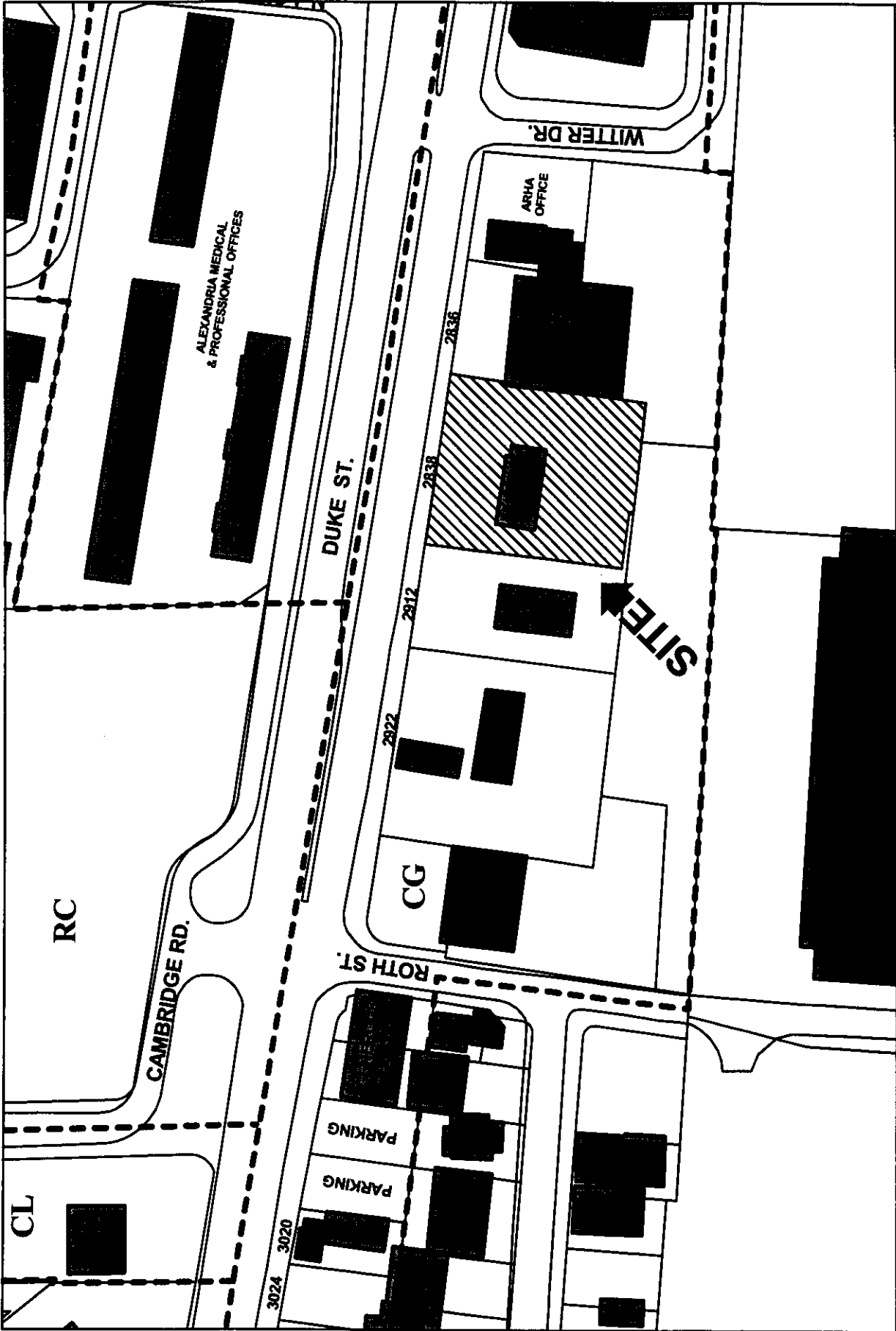
ZONE: CG/Commercial General

PLANNING COMMISSION ACTION, JANUARY 3, 2002: On a motion by Ms. Fossum, seconded by Mr. Robinson, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations and to amend Condition #23. The motion carried on a vote of 6 to 0. Mr. Dunn was absent.

Reason: The Planning Commission agreed with the staff analysis and, given the history of violations, was hopeful that the staff's latest effort to work with the applicant will be successful.

Speakers:

Duncan Blair, applicant's attorney, was present.



SUP #2001-0114

01/03/02



STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. Driveway easements over joint driveway shall be recorded. (Public Works) (Planning and Regional Affairs) (SUP #737)
2. All sloped areas shall be seeded and sodded as part of site plan approval (Planning and Regional Affairs) (SUP #737)
3. No abandoned, stripped, or junked vehicles shall be kept on the premises. (Planning and Regional Affairs) (SUP #737)
4. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)(SUP 95-0118)
5. Repair work done on the premises shall be limited to light automobile repair. (P&Z)(SUP 95-0118)
6. No repair work shall be done outside. (P&Z)(SUP 95-0118)
7. The applicant shall provide a parking plan for the lot to the satisfaction of the Director of Planning and Zoning and shall stripe the parking spaces according to the approved plan prior to the issuance of a building permit for the canopy. (P&Z)(SUP 95-0118)
8. A minimum of a 22 foot wide drive aisle shall be provided around the building, for access to the service bays. (P&Z)(SUP 95-0118)
9. **CONDITION AMENDED BY STAFF:** Vehicles shall be parked in a neat and orderly manner, generally in the designated striped parking spaces. (P&Z)(SUP 95-0118)
10. No vehicles shall be displayed, parked, or stored on a public right-of-way. (P&Z)(SUP 95-0118)
11. No vehicle parts, tires, or other materials shall be permitted to accumulate outside except in a dumpster or other suitable trash receptacle or enclosure. (P&Z)(SUP 95-0118)

12. The hours of operation shall be limited to between 6:00 A.M. and 10:00 P.M., daily (P&Z)(SUP 95-0118)
13. **CONDITION AMENDED BY STAFF:** All waste products including, but not limited to organic compounds (solvents), motor oil, compressor lubricant and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers, or be discharged onto the ground. (T&ES)(SUP-95-0118)
14. The applicant shall provide a soils report from a professional geotechnical company to determine stability of filled area prior to issuance of any building permits. (T&ES)(SUP 95-0118)
15. The applicant shall provide a drainage study plan satisfactory to the Director of Transportation and Environmental Services by May 15, 1997 and shall implement its findings by June 15, 1997. (P&Z) (SUP 97-0178)
16. The applicant shall contact the Crime Prevention Unit of the Alexandria City Police Department for a robbery awareness program for all employees and a security survey. (Police)(SUP 95-0118)
17. No building permit shall be issued for the canopy until the applicant has satisfactorily completed the payments required by the Promissory Note dated October 25, 1995 and signed by the applicant related to outstanding taxes due the City. (P&Z)(SUP 95-0118)
18. **CONDITION AMENDED BY STAFF:** The applicant shall install two to four street trees and shrubbery along the property line fronting Duke Street ~~prepare a landscape plan with landscape calculations to the satisfaction of the Director of Planning and Zoning by May 1, 2002. and the City Landscape Architect within 60 days. Plantings complying with the plan shall be planted within six months of City Council approval.~~ (P&Z)(SUP-95-0118)
19. The applicant shall maintain plants in good condition. (P&Z)(SUP 95-0118)
20. **CONDITION AMENDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building. No amplified sound shall be heard at the property line. (P&Z)(SUP-95-0118) (T&ES)
21. Condition deleted. (CC) (SUP 97-0178)

22. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit ~~one-year~~ six months from approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (~~SUP #2000-0160~~)
23. **CONDITION AMENDED BY PLANNING COMMISSION:** The applicant shall maintain the planting bed on the eastern side of the property with its current plantings and in its current neat and orderly condition in perpetuity. ~~replace the two dead trees on the western eastern side of the property with several shrubs pursuant to a plan approved by the Director of Planning and Zoning. The plan shall be submitted for approval by March 1, 2001, and the planting completed by May 1, 2002~~ May 1, 2001. (P&Z)(~~SUP #2000-0160~~) (PC)
24. **CONDITION ADDED BY STAFF:** No banners, streamers, flags, or similar advertising devices shall be displayed on the premises, but signs advertising the general business conducted on the premises may be displayed in accordance with Article IX, Section 9-100 of the zoning ordinance of the City of Alexandria, Virginia. (P&Z)
25. **CONDITION ADDED BY STAFF:** Loading and unloading of vehicles, if any, shall take place on-site and during hours of operation. (P&Z)
26. **CONDITION ADDED BY STAFF:** The applicant shall comply with the City of Alexandria Best Management Practices Manual for Automotive Related Industries. A copy can be obtained by contacting the Division of Environmental Quality on 703/519-3400, extension 166. (T&ES)
27. **CONDITION ADDED BY STAFF:** No material shall be disposed of by venting into the atmosphere. (T&ES)
28. **CONDITION ADDED BY STAFF:** The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)

DISCUSSION:

1. The applicant, Mr. Danfora, is before the Planning Commission for a review of the special use permit for an automobile service station.
2. The subject property is one lot of record with an area of 27,093 square feet, approximately 150 feet of frontage along Duke Street, and a depth of 180 feet. A one story gas station with two pump islands and three service bays occupy the lot. The adjacent land uses include commercial businesses along the Duke Street corridor.
3. The subject business is an automobile service station. It is permitted to operate daily between 6:00 a.m. and 10:00 p.m., and the repair business is limited to light automobile repair.
4. An automobile service station has been operating on site since 1968 (SUP #737). The current applicant has owned the automobile service station since the late 1980s, and has a poor history of compliance with the special use permit. Staff has had to bring the special use permit forward for review by the Planning Commission and City Council every year since 1997 due to violations. This year is no exception.

On December 12, 2001, the zoning staff made an inspection of the subject property to determine if the applicant was in compliance with the conditions of the special use permit. Staff found the applicant in violation of Conditions #9 and #23 and issued a citation. Condition #9 requires the applicant to only park vehicles in designated striped parking spaces. In addition to that technical violation, the applicant has failed to replace two dead trees with shrubs on the east side of the property as required by Condition #23.

The applicant has had since June 1999 to comply with that landscaping requirement. It was at that time, during an inspection, that staff found that trees had died. The applicant was told to replace them. During the following review case, in December 1999, the applicant maintained that it was difficult to maintain live trees; in response, staff agreed, and recommended the language of Condition #23, allowing shrubs to be planted as a substitute, which was included by Council in the approval. Last December, when the applicant was again before the Commission and Council for review, he was then in violation of this requirement and given until March 2000 to install the plants. He failed to do that and received a citation for it. Staff has discussed the problem with the applicant, as it has done in the past, but he maintains that he plans to plant the shrubs. No planting has occurred to date.

STAFF ANALYSIS:

Staff is concerned with the applicant's history of violations at the subject site, yet wants to see the business continue, and is therefore willing to provide the applicant with still one more opportunity to comply with the conditions under which the City of Alexandria allows him to operate his business. Staff recommends that the applicant be allowed to continue operation with another review to take place in six months.

Staff also believes that the applicant should be required to plant additional street trees and shrubbery along the Duke Street edge of the property. This landscaping will help create a unified street presence as it is consistent with landscaping required at other properties along the Duke Street corridor. The most recent landscaping installation required near the subject site is located at Shaker Motors, 3020-3030 Duke Street. The proposed row of trees and shrubbery at the subject gas station site will, once planted, be similar in character to what was required by the City of Alexandria at Shaker Motors.

In terms of enforcement, staff intends to monitor the applicant's compliance with both the old and the new landscaping requirements. If, after May 1, 2002, the landscaping is not installed, staff will issue citations continuously until compliance is achieved. If the applicant is still in violation of the conditions at that time, staff will seek revocation of the permit when the case comes before the Commission for review in June.

Staff recommends approval of special use permit subject to the list of existing and proposed conditions.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Mary Hashemi, Urban Planner.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- F-1 T&ES has no record of complaints regarding this facility and no objections to continued operation, with the addition of several conditions regulating this use.

(Modify condition #13 of SUP #2000-0160; new text underlined)

- R-1 All waste products including, but not limited to organic compounds (solvents), motor oil, compressor lubricant and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers, or be discharged onto the ground.
- R-2 The applicant shall comply with the City of Alexandria Best Management Practices Manual for Automotive Related Industries. A copy can be obtained by contacting the Division of Environmental Quality on 703/519-3400, extension 166.
- R-3 No material shall be disposed of by venting into the atmosphere.
- R-4 All loudspeakers shall be prohibited from the exterior of the building.
- R-5 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.

Code Enforcement:

- F-1 No comments.

Health Department:

- F-1 No comments.

Police Department:

- F-1 Concur.

APPLICATION for SPECIAL USE PERMIT # 2001-0114

[must use black ink or type]

PROPERTY LOCATION: 2838 DUKE ST

TAX MAP REFERENCE: _____ ZONE: CG

APPLICANT Name: ESSAM DANFORA

Address: _____

PROPERTY OWNER Name: _____

Address: _____

PROPOSED USE: REVIEW OF AUTOMOBILE SERVICE STATION
"DUKE STREET MOBIL"

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

DUNCAN W. BLAIR, esq.
Print Name of Applicant or Agent

Signature

Mailing/Street Address

Telephone #

Fax #

City and State

Zip Code

Date

===== **DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY** =====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____



City of Alexandria, Virginia



DEPARTMENT OF PLANNING AND ZONING

301 King Street, Room 2100
Alexandria, Virginia 22314
(703) 838-4666
FAX (703) 838-6393

October 10, 2001

Mr. Essam Danfora
2838 Duke Street
Alexandria, Virginia 22314

RE: SUP #2000-0160
Duke Street Mobil
2838 Duke Street
Alexandria, Virginia

Dear Mr. Danfora:

Please be advised that Condition #23 of the special use permit requires you to replace the two dead trees on the western side of the property with some shrubs pursuant to an approved plan by May 1, 2001. Our records indicate that staff has previously forwarded recommendations to you regarding the types of shrubs to be planted and general maintenance of the landscaping area. A recent inspection of the property reveals that new shrubs have not been installed as required; therefore, staff is forced to issue you a citation, with fine, for this violation. Enclosed is a copy of the special use permit approval for your reference.

Please be advised that Condition #22 of the special use permit requires a review of the permit one year after Council approval, in January 2002. Based on this violation, the special use permit will be docketed for review by the Planning Commission and City Council in January 2002. We will send a letter to you advising you of the hearing date, with the notice package, at a later date.

If you have any questions, please do not hesitate to contact me directly at (703) 838-3866, extension 333.

Very truly yours,

Kathleen Beeton

Kathleen Beeton
Urban Planner

Enclosure

cc: Eileen P. Fogarty, Director
Duncan Blair, Esq.
VIA CERTIFIED MAIL



ALEXANDRIA DEPARTMENT OF
PLANNING AND ZONING
301 King Street, Room 2100
Alexandria, Virginia 22314

NOTICE OF VIOLATION

YOU ARE CHARGED WITH VIOLATING THE
ALEXANDRIA, VIRGINIA ZONING ORDINANCE

10/10/01 Wednesday 11:00
Date ticket served Day of Week Time (AM/PM)

Location of Violation: 2838 Duke St.
Duke Street mobil

Ord. Section: 11-505

Description of Violation: Violation of
SUP#2000-0100 condition#
23 failure to submit
plan and plant new
shrubs by May 1, 2001.

Penalty \$: 50.00

☒ 1st ☐ 2nd

☐ 3rd/MORE ☐

IF THE VIOLATION IS NOT CORRECTED BY

10 days AN ADDITIONAL MONETARY

PENALTY WILL BE ASSESSED.

Kathleen A. Berton
Inspector's Signature ID Number

I personally observed or investigated the commission of the
violation noted above and/or violation was based upon signed
affidavit.

— VIOLATORS COPY - WHITE
— CITY ATTORNEY COPY - YELLOW
— FINANCE COPY - PINK
— PLANNING AND ZONING COPY - ORANGE

NOTICE SERVED ON:

NAME: LAST FIRST MIDDLE

☐ PROPERTY OWNER
☐ COMPANY

NAME

POSITION

☐ OTHER

ADDRESS

CITY/TOWN STATE ZIP

SIGNATURE DATE

I hereby acknowledge receipt of this Notice of
Violation. Signature is not an admission of guilt.

☐ PERSON REFUSED TO SIGN DATE

CERTIFICATE OF SERVICE

☒ Mailed/posted a true copy of this notice to the last
known home or business address of the respondent
or the respondent's agent

Essam Dantora
Name of Person or Business Served
2838 Duke Street
Address of Service
Alexandria, VA 22314
City/State

☐ Posted true copy of this notice at the site of the
infraction

The undersigned states that he/she is an employee
of the City of Alexandria Department of Planning
and Zoning and knows this Certificate of Service to
be true to the best of his/her knowledge.

10/10/01 Signature Kathleen A. Berton
Print Name Kathleen A. Berton
Date Phone # 703-838-3846, X333

WARNING

YOU ARE REQUIRED TO RESPOND TO THIS NOTICE
OF VIOLATION WITHIN 15 DAYS OF THE DATE OF
SERVICE IN ONE OF THE FOLLOWING WAYS

TICKET NO. 2271

1. TO PAY PENALTY AND WAIVE YOUR RIGHT TO A HEARING:

- Check the "Admit Violation" or "No Contest" box below;
- Make personal check, cashier's check, certified check or money order payable to City of Alexandria. Do not send cash through the mail;
- Print violation notice number on the check or money order;
- Payment may be made by mail, or in person, at the Treasury Office, City Hall, 301 King Street, Room 1510, Alexandria, Virginia, between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4949.

2. TO REQUEST A COURT HEARING:

- Check the "Contest in Court" box below and;
(a) Mail this completed notice to the Office of the City Attorney, City Hall, Suite 1300, 301 King Street, Alexandria, Virginia, 22314; or
(b) Appear in person or by an authorized representative, at the above address between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4433.
- If you wish to contest this violation a date will be set for trial in the General District Court of Alexandria, Virginia. Failure to appear in court on the date set for trial, unless prior approval has been granted by a judge of that court, will result in the entry of a default judgement against you.

3. TO CONTEST THE INTERPRETATION OF THE ORDINANCE:

- You have the right to appeal the interpretation of the zoning ordinance upon which this violation is based to the Board of Zoning Appeals within 30 days in accordance with 15.2-2311 of the Code of Virginia. The interpretation shall be final and unappealable if not appealed within 30 days.

FOR INFORMATION CONCERNING THIS TICKET CALL
PLANNING AND ZONING AT 703-838-4688

FAILURE TO RESPOND AS PROVIDED ABOVE WILL RESULT
IN THE ISSUANCE OF A SUMMONS TO APPEAR IN COURT
AND ANSWER TO THE VIOLATION FOR WHICH THIS NOTICE
WAS ISSUED

YOU MUST COMPLETE AND SIGN THIS
CERTIFICATION:

☐ ADMIT VIOLATION ☐ NO CONTEST ☐ CONTEST IN COURT

Name (print) _____
Street Address _____
City _____ State _____ Zip _____

I hereby certify under penalty of law, that I have
answered as indicated above, and corrected or made
substantial efforts to correct the violation that I have
admitted or for which I have pleaded no contest.

Signature _____ Date _____

SUP 2001-0114



ALEXANDRIA DEPARTMENT OF
PLANNING AND ZONING
301 King Street, Room 2100
Alexandria, Virginia 22314

NOTICE OF VIOLATION

YOU ARE CHARGED WITH VIOLATING THE
ALEXANDRIA, VIRGINIA ZONING ORDINANCE

12/2/01 Wednesday 11:20
Date ticket served Day of Week Time AM/PM

Location of Violation: 2838 Duke

Ord. Section: 11-505

Description of Violation: Condition #9+23
#9 vehicles parked in striped park-
ing spaces only. #23 replace dead
Trees pursuant to plan.

Penalty \$: 12,000

☐ 1st ☒ 2nd
☐ 3rd/MORE ☐

IF THE VIOLATION IS NOT CORRECTED BY
12/11/01 AN ADDITIONAL MONETARY
PENALTY WILL BE ASSESSED.

Inspector's Signature [Signature] ID Number 12345

I personally observed or investigated the commission of the
violation noted above and/or violation was based upon signed
affidavit.

N VIOLATORS COPY - WHITE
CITY ATTORNEY COPY - YELLOW
FINANCE COPY - PINK
PLANNING AND ZONING COPY - ORANGE

SUP 99-0065

NOTICE SERVED ON:

NAME: LAST FIRST MIDDLE

☐ PROPERTY OWNER
☒ COMPANY

NAME

POSITION

☐ OTHER

ADDRESS

CITY/TOWN STATE ZIP

SIGNATURE DATE

I hereby acknowledge receipt of this Notice of
Violation. Signature is not an admission of guilt.

☐ PERSON REFUSED TO SIGN DATE

CERTIFICATE OF SERVICE

☐ Mailed/posted a true copy of this notice to the last
known home or business address of the respondent
or the respondent's agent

Name of Person or Business Served

Address of Service

City/State

☐ Posted true copy of this notice at the site of the
infraction

The undersigned states that he/she is an employee
of the City of Alexandria Department of Planning
and Zoning and knows this Certificate of Service to
be true to the best of his/her knowledge.

Signature

Print Name

Date

Phone #

WARNING

YOU ARE REQUIRED TO RESPOND TO THIS NOTICE
OF VIOLATION WITHIN 15 DAYS OF THE DATE OF
SERVICE IN ONE OF THE FOLLOWING WAYS

TICKET NO. **2384**

1. TO PAY PENALTY AND WAIVE YOUR RIGHT TO A
HEARING:

- Check the "Admit Violation" or "No Contest" box below;
- Make personal check, cashier's check, certified check or money order payable to City of Alexandria. Do not send cash through the mail;
- Print violation notice number on the check or money order;
- Payment may be made by mail, or in person, at the Treasury Office, City Hall, 301 King Street, Room 1510, Alexandria, Virginia, between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4949.

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YOU MUST COMPLETE AND SIGN THIS
CERTIFICATION:

☐ ADMIT VIOLATION ☐ NO CONTEST ☐ CONTEST IN COURT

Name (print)

Street Address

City State Zip

I hereby certify under penalty of law, that I have
answered as indicated above, and corrected or made
substantial efforts to correct the violation that I have
admitted or for which I have pleaded no contest.

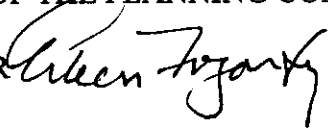
Signature Date

City of Alexandria, Virginia

MEMORANDUM

DATE: JANUARY 3, 2002

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: EILEEN FOGARTY, DIRECTOR 
PLANNING AND ZONING

SUBJECT: MOBIL SERVICE STATION
2838 DUKE STREET
DOCKET ITEM #9

The applicant and staff have discussed staff's proposed landscaping conditions and agreed to the following changes to Condition #23.

CONDITION AMENDED BY STAFF: The applicant shall maintain the planting bed on the eastern side of the property with its current plantings and in its current neat and orderly condition in perpetuity. ~~replace the two dead trees on the western eastern side of the property with several shrubs pursuant to a plan approved by the Director of Planning and Zoning. The plan shall be submitted for approval by March 1, 2001, and the planting completed by May 1, 2002~~ May 1, 2001. (P&Z)(SUP #2000-0160)

Staff is willing to forgo the addition of a few shrubs in this side planting bed in exchange for the applicant's agreement to install the street trees and shrubbery required by Condition 18, and for the applicant's written contract for the installation of the work, which he has agreed to submit by January 25, prior to the Council hearing. On balance, staff believes that the street trees are of greater public benefit than the side bed additions, and that working together with the applicant toward resolution of this longstanding issue benefits everyone.

7

APPLICATION for SPECIAL USE PERMIT # 2001-0114

[must use black ink or type]

PROPERTY LOCATION: 2838 DUKE ST

TAX MAP REFERENCE: _____ ZONE: CG

APPLICANT Name: ESSAM DANFORA

Address: _____

PROPERTY OWNER Name: _____

Address: _____

PROPOSED USE: REVIEW OF AUTOMOBILE SERVICE STATION
"DUKE STREET MOBIL"

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DUNCAN W. BLAIR, esq.
Print Name of Applicant or Agent

Signature

Mailing/Street Address

Telephone #

Fax #

City and State

Zip Code

Date

===== **DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY** =====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: 01/03/02 Recommend Approval 6-0

ACTION - CITY COUNCIL: 01/26/2002PH -- See attached: . .

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

ACTION CONSENT CALENDAR (continued)

Planning Commission (continued)

6. SPECIAL USE PERMIT #2001-0128
1609 KING ST
UPTOWNER CAFE
Public Hearing and Consideration of a special use permit review for a restaurant; zoned CD/Commercial Downtown. Applicant: Moon Ock Cho.

COMMISSION ACTION: Recommend Approval 6-0

7. SPECIAL USE PERMIT #2001-0114
2838 DUKE ST
DUKE STREET MOBIL
Public Hearing and Consideration of a special use permit review for an automobile service station; zoned CG/Commercial General. Applicant: Essam Danfora, by Duncan W. Blair, attorney.

COMMISSION ACTION: Recommend Approval 6-0

8. SPECIAL USE PERMIT #2001-0118
305 HOOFF'S RUN DR
JUNGLE'S GYM
Public Hearing and Consideration of a request for a special use permit for a health club; zoned CDD-2/Coordinated Development District, Eisenhower Avenue. Applicant: Fitness Centers II, LLC, by Chris D. Kosmakos.

COMMISSION ACTION: Recommend Approval 6-0

END OF ACTION CONSENT CALENDAR

City Council approved the Action Consent Calendar with the exception of docket item no. 7 which was considered under a separate motion. The City Council action follows:

3. City Council approved the Planning Commission recommendation.
4. City Council approved the Planning Commission recommendation.
5. City Council approved the Planning Commission recommendation.
6. City Council approved the Planning Commission recommendation.
7. City Council approved the Planning Commission recommendation, with an amendment to condition no. 22 to change the review of the special use permit from six months to one year.
8. City Council approved the Planning Commission recommendation.

END OF ACTION CONSENT CALENDAR

Council Action: _____

SPEAKER'S FORM

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM.**

7
1-26-02

DOCKET ITEM NO. 7

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: Nuncan W. Blawie
2. ADDRESS: 112 S. Alfred St.
TELEPHONE NO. _____ E-MAIL ADDRESS: _____
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? Duke Street School
4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: ☒ AGAINST: _____ OTHER: _____
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY,
LOBBYIST, CIVIC INTEREST, ETC.):
Attorney
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE
COUNCIL? YES _____ NO _____

This form shall be kept as a part of the Permanent Record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of 5 minutes will be allowed for your presentation. If you have a prepared statement, please leave a copy with the City Clerk.

Additional time, not to exceed 15 minutes, may be obtained with the consent of the majority of the Council present, provided that notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at Public Hearing Meetings, and not at Regular Meetings. Public Hearing Meetings are usually held on the Saturday following the second Tuesday in each month; Regular Meetings are regularly held on the Second and Fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item can be waived by a majority vote of Council members present, but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at Public Hearing Meetings. The Mayor may grant permission to a person, who is unable to participate in public discussion at a Public Hearing Meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- All speaker request forms for the public discussion period must be submitted by the time the item is called by the City Clerk.
- No speaker will be allowed more than 5 minutes, and that time may be reduced by the Mayor or presiding member.
- If more than 6 speakers are signed up or if more speakers are signed up than would be allotted for in 30 minutes, the Mayor will organize speaker requests by subject or position, and allocate appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30-minute public discussion period.
- If speakers seeking to address Council on the same subject cannot agree on a particular order or method that they would like the speakers to be called, the speakers shall be called in the chronological order of their request forms' submission.
- Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.